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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,265	09/26/2003	Masaaki Okabayashi	393032041200	1767

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EXAMINER

QIN, JIANCHUN

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,265

Applicant(s)

OKABAYASHI, MASA AKI

Examiner

Jianchun Qin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/11/04&9/26/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4, 6, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugihara (U.S. Pat. No. 6218971).

With respect to claims 1, 4 and 7:

Sugihara teaches a mixing method and computer program executed by a first mixing apparatus including a plurality of input terminals when a second mixing apparatus is connected in cascade to part of the input terminals of the first mixing apparatus (see Abstract and Figs. 1 and 2), comprising: an input setting step of setting at least one audio signal input to part of the plurality of input terminals as at least one cascade signal supplied from the second mixing apparatus (col. 4, lines 40-54; col. 5, lines 16-26 and col. 6, lines 48-60); an input computing step of performing arithmetic operations on at least one audio signal input to at least one input terminal other than the part of the plurality of input terminals (col. 4, lines 55-62 and col. 5, lines 20-32); and a signal mixing step of mixing the at least one cascade signal and the at least one audio signal on which

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the arithmetic operations have been performed in said input computing step (col. 5, lines 33-59).

With respect to claims 3, 6 and 9:

Sugihara teaches a mixing method and computer program executed by a second mixing apparatus when the second mixing apparatus is connected in cascade to input terminals of a first mixing apparatus (see Abstract and Figs. 1 and 2), comprising: a mixing step of mixing a plurality of input signals to output a plurality of output signals (col. 4, lines 40-54); an output setting step of setting part of the plurality of output signals as at least one cascade signal to be supplied to the first mixing apparatus (col. 4, lines 40-54; col. 5, lines 16-26 and col. 6, lines 48-60); a computing and outputting step of performing arithmetic operations on at least one output signal other than the part of the plurality of output signals, and outputting the at least one other output signal on which the arithmetic operations have been performed to the first mixing apparatus (col. 4, lines 55-62 and col. 5, lines 20-32); and a cascade outputting step of directly outputting the part of the plurality of output signals set as the cascade signal to the first mixing apparatus (col. 5, lines 33-59).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would

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have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugihara (U.S. Pat. No. 6218971) in view of Hirade et al. (U.S. Pub. No. 20020189426).

Sugihara teaches the method and apparatus and computer program that includes the subject matter discussed above. Sugihara does not mention expressly: said input computing step comprises a delaying step of performing a delay process for correcting a time of delay from the second mixing apparatus to the first mixing apparatus.

Hirade et al. disclose a portable mixing recorder (section 0017), and teach the step and means of a delaying step of performing a delay process for correcting a time of delay in the input audio signals (section 0093).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Hirade et al. in the invention of Sugihara in order to synchronize and/or equalize the input signals (Hirade et al., section 0093).

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 8:00am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JQ

June 21, 2005



Jianchun Qin
Examiner
Art Unit 2837



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